REMARKS

Claims 1-11 and 13-24 remain pending in this application. Claims 2-11 have been amended merely to provide proper antecedent basis, as described below. Therefore, Applicant respectfully requests entry of this amendment, as it places the application in condition for allowance, or in the alternative, in better form for consideration on appeal.

I. **REJECTIONS UNDER 35 U.S.C. § 112**

Claims 2-11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 2-11 lack antecedent basis for the limitation "packet services node" in the preamble of each claim. In response, Applicant has amended Claims 2-11 to now specifically recite "physical packet services node," in accordance with the Examiner's suggestion, thus providing the proper antecedent basis. As such, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §112, second paragraph, objection to Claims 2-11.

II. **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-3, 6-8, 10, 11 and 13-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider*, et al. (U.S. Patent Application Publication Number 2006/0114889A1) in view of *Hughes,* et al. (U.S. Patent No. 6,434,612B1). Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* and *Hughes* in view of *Lau* et al., (U.S. Patent No. 7,079,485B1). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* and *Hughes* in view of *Matthews*. Applicant respectfully traverses these rejections for the exemplary reasons provided below.

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142.

Claim 1, states in-part, "*A physical packet services node within a telecommunications network, comprising: a logical communications node operated by a service provider as an independent packet services node of the service provider ... that is capable of being dynamically configured in a customized manner by the service provider*". Applicant submits that this feature is not taught or suggested by the combination of *Schneider* and *Hughes*.

On Page 3 of the Final Office Action, the Examiner states that the above-quoted feature is taught by *Schneider*. However, *Schneider* merely describes a service control (58) that provides policy and/or logic to a switch or router (42, 44 and 46) to enable that switch or router to provide a particular service to a particular customer for a <u>specific call</u> (paragraphs 8, 9, 22-24, 41, 42 and 59-62). This policy and/or logic is simply a software program that is run on the switch for that particular call (paragraph 23). There is nothing in *Schneider* that teaches or suggests that the service control (58) or customer is able to operate a portion of the router or switch as an independent service node of that service control or customer. Instead, in *Schneider*, the resources are reserved in the switches or routers for a single/specific call, not allocated to a particular service provider for their use in servicing their customers (e.g., all calls of their customers), as in the present invention.

In addition, there is nothing in *Schneider* that teaches or suggests that the service control (58) or customer is then further able to dynamically customize a portion of the router or switch. Running a software program on a router or switch for a particular call does not teach or suggest any mechanism for a service provider to customize a portion of a router or switch that is dedicated to that particular service provider. In sum, in *Schneider*, the routers and switches do not contain logical communications nodes that are operated by separate service providers. They merely allocate their resources for a particular call between end users and run software programs downloaded to them for the particular call.

Likewise, *Hughes* also does not teach or suggest any mechanism for enabling a service provider to dynamically configure in a customized manner a portion of a physical packet services node that is operated by that service provider. In *Hughes*, multiple independent controllers are allowed to simultaneously control a network switch by partitioning the switch resources between the controllers (col. 3, lines 27-30). However, *Hughes* does not provide the controllers with the ability to dynamically configure the switch partition that is allocated to them.

Therefore, Applicant respectfully submits that neither *Schneider* nor *Hughes*, alone or in combination, teach or suggest all of the features of Claim 1. Applicant submits that independent Claims 13 and 19 contain similar claimed elements, and as such, submits the above-stated arguments are also applicable to independent Claims 13 and 19. Claims 2-11, 14-18 and 20-24 are dependent claims that include the same exemplary features described above with respect to Claims 1, 13 and 19. *Lau* and *Matthews* fail to remedy the above-described deficiencies of *Schneider* and *Hughes* with respect to Claims 1, 13 and 19. Accordingly, the § 103 rejections of Claims 2-11, 14-18 and 20-24 are overcome for at least the same exemplary reasons given above with respect to the rejections of Claims 1, 13 and 19.

As demonstrated above, the § 103 rejections of Claims 1-11 and 13-24 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 1-11 and 13-24 are in condition for allowance.

<u>**CONCLUSION**</u>

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number indicated below.

Respectfully submitted,

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